

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

March 29 , 2005

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman John Winder, Bryant Anderson, Steve Fairbanks, Linda Martinez-Saville, and Dennis Tenney

Others in Attendance: CAO Byron Jorgenson; Assistant CAO Jamie Davidson; Assistant to the CAO Ryan Mecham; City Attorney Walter Miller; Community Development Director Mike Coulam; Senior Planner Jim McNulty; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Police Chief Stephen Chapman; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; City Recorder Dianne Aubrey; Deputy City Recorder Molly Spira; Council Office Director Phil Glenn; Council Office Executive Secretary Pam Lehman

ABSENT/EXCUSED:

Don Pott (business)
Mayor Tom Dolan

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Alex Bennett of Troop #281, and the Pledge was led by Brandon Ghiemig , also of Troop #281.

2. **CITIZEN(S) COMMENTS:**

- a. **Patti Zimmerman**, 959 Silver Sage Drive, President of Citizens for Families in Sandy , strongly encouraged the Council to attend the Neighborhood Awareness Meeting this Thursday, March 31st, 7:00 p.m., at Eastmont Middle School. This event, which is also supported by the Jordan District PTA, will host guest speakers Joann Hamilton and Utah Attorney General Mark Shurtleff. They have been invited to speak on issues pertaining to Safeguarding our Families in a Sexualized Society, and Internet Predators. Mrs. Zimmerman noted that this event supports the resolution adopted by the City Council on "Child Appropriate Standards". She reported that the City Council would be recognized that evening by Jordan School District's Superintendent Barry Newbold. Mrs. Zimmerman expressed her appreciation to the City Council for their support.

Scott Cowdell, Dennis Tenney, Steve Fairbanks, and Linda Saville noted that they would be unable to attend the meeting due to prior commitments. **Bryant Anderson and John Winder** indicated that they would be in attendance.

Chairman Cowdell asked Mr. Glenn to compose a statement from the Council expressing their support. **Mr. Anderson** volunteered to read the letter on behalf of the Council at the meeting.

Chairman Cowdell closed Citizen Comments.

PUBLIC HEARING(S):

3. **Code Amendment: Skateboard Ramps in Residential Districts/Matrix**

Public Hearing to consider amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Sections 15-13-19, "Regulation of Skateboard Ramps in Residential Districts", and 15-05-02(B), "Permitted Land Use Matrix". The proposed code amendment would shift the future review of skateboard ramps from the City Council to the

Planning Commission. In addition, skateboard ramps would be identified as a "conditional use" within the Permitted Land Use Matrix.

DISCUSSION: Senior Planner Jim McNulty reported that the Sandy City Community Development Department filed a request with Sandy City to amend Section 15-13-19, Regulation of Skateboard Ramps in Residential Districts, to amend the review process for skateboard ramps in the City. The amendment would shift future review process of skateboard ramps from the City Council to the Planning Commission. Also, skateboard ramps would be identified as a conditional use within the permitted land use matrix.

Mr. McNulty briefly reviewed the modifications made to Exhibit "A"- Regulation of Skateboard Ramps in Residential Districts, and the Land Use Matrix that identifies skateboard ramps as a conditional use in a residential zone. **[Ref: Exhibit "A"]**

On February 17, 2005, the Planning Commission reviewed the proposed code amendment and forwarded a recommendation to the City Council to approve the proposed code amendment as shown in Exhibit "A", adding the modification that skateboard ramps be reviewed as a conditional use with the following reasons:

1. The proposed ordinance amendment is consistent with the Purpose of the Land Development Code.
2. The proposed ordinance amendment is consistent with the Goals and Policies of the General Plan.

Chairman Cowdell opened the Public Hearing. Since there were no comments, the hearing was closed.

Bryant Anderson supported the amended changes to the skateboard ordinance.

John Winder suggested that the word unreasonable be changed to reasonable in item E of Exhibit A. He felt that property owners should ensure safe and *reasonable* [not unreasonable] usage and operation of the ramp. He also asked how materials to minimize vibration and noise impacts on skateboard ramps would be monitored.

Jim McNulty noted that language in the Exhibit could be changed, and that usage of materials for skateboard ramps would be examined under the current IBC [International Building Code] guidelines.

Steve Fairbanks expressed concern over the potential impact skateboard ramps could have on adjacent homes if allowed on smaller yards with minimal side and rear-yard setbacks. He felt that lot size should be considered as part of the criteria for a skateboard ramp, and that skateboard ramps should not be allowed in yards that do not meet specific set back requirements. He felt that Planning Staff should review the ordinance further.

Jim McNulty noted that it was the consensus of the Planning Commission to have skateboard ramps reviewed as a conditional use to identify concerns on a case by case basis and determine if the use is compatible in a residential neighborhood.

Steve Fairbanks asked Mr. McNulty if he felt like the City's ordinances would adequately deal with issues associated with skateboard ramps.

Mr. McNulty stated that he believed they would.

City Attorney Wally Miller noted that under proposed new guidelines in State Statutes, Cities cannot turn down requests for conditional uses. However, if a conditional use does not comply with City standards, they can be denied.

Jim McNulty mentioned that the State Legislature has recently considered legislation that would significantly affect conditional uses. This could change the way conditional uses are addressed.

Community Development Director Mike Coulam noted that skateboard ramps are considered as an accessory structure. He felt requests for this use would be very minimal, due in part to the recent construction of skateboard parks within the community. He noted that the first such use reviewed by the Planning Commission, within the past 20 years, was the Bowerbank skateboard ramp. He reported that Planning Staff has considered recommending removal of skateboard ramps entirely from the ordinance, but sports courts and other similar users are allowed as conditional uses. Mr. Coulam noted that if it was the Council's desire to remove skateboard ramps from the ordinance, Staff could come back with further revisions to the ordinance at a later date.

Scott Cowdell felt that skateboard ramps should be considered as a conditional use in the ordinance, and that rear and side yard setbacks should be addressed more adequately. He also felt that skateboard ramps should be eliminated from the ordinance if they do not meet the criteria for side and rear yard setbacks.

Steve Fairbanks questioned whether the definition for skateboard ramps should be broadened to include other uses such as BMX bikes and scooters.

Jim McNulty commented that when the ordinance was originally designed, some 20 years ago, skateboard ramp was the term that was used. However, this particular use has come full circle over the years with scooters, BMX bikes, and in-line skates. The majority of these activities take place in skateboard parks.

Wally Miller suggested changing the language in the ordinance from "skateboard ramp" to "skater-ramp" to encompass all types of uses.

Scott Cowdell felt that homeowners should continue to be responsible for liability issues associated with skateboard ramps.

Council Office Director Phil Glenn suggested that the Council could also consider placing the term "half-pipe" in the ordinance. He reported that this term is commonly used in the industry for skiing, skateboarding, and other related uses.

Linda Saville expressed concern over issues of fairness when it comes to skateboard ramps, and whether it would be advisable to allow certain uses as conditional use and not others.

MOTION: [*Verbatim Motion*] **Dennis Tenney:** "Mr. Chairman, I move that we have paperwork brought back, with additional input from both our Planning and Legal Staff, to recommend final language, which is comprehensive in nature, to address the concerns that have been raised here tonight, and that the language, as required by the Legislature, be adopted and recommended as soon as possible.

SECOND: Linda Martinez- Saville

VOTE: Tenney- Yes, Saville-Yes, Pott- Absent, Winder- Yes, Fairbanks- Yes,
 Anderson-Yes, Cowdell - Yes

MOTION PASSED: 6 in favor- 1 absent

4. **Code Amendment Residential Facility for Elderly Persons/Persons with a Disability**
Public Hearing to consider amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Section 15-05-04(I), "Residential Facility for Elderly Persons or for Persons with a Disability". The proposed amendment will allow this section of the Development Code to be consistent with the Utah Municipal Code.

DISCUSSION: Senior Planner Jim McNulty reported that the Sandy City Attorney's Office filed a request to amend Section 15-05-05(I), Residential Facility for Elderly Persons with a Disability. This request is in compliance with legislation that was approved in 2003. House Bill 137 modified the Utah Municipal Code which establishes permissible and required provisions of a municipal ordinance relating to residential facilities for persons with disabilities. Thereafter, the City Council adopted a resolution invoking the pending ordinance doctrine asking the Planning Commission to recommend amendments to the Sandy City Development Code. The proposed code amendment includes text modifications which would allow this section of the Development Code to be consistent with the approved legislation.

The Planning Commission along with Staff forwarded a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A" based upon the following findings:

1. The proposed ordinance amendment is consistent with the Purpose of the Land Development Code.
2. The proposed ordinance amendment is consistent with the Goals and Policies of the General Plan.
3. The proposed ordinance amendment is consistent with the Utah Municipal Code.

Chairman Cowdell opened the public hearing. Since there were no comments, the hearing was closed.

Wally Miller reported that even though state and federal regulations require communities to provide for this type of use in a residential zone, federal agencies have determined if certain facilities alter the nature of a residential neighborhood, they may be excluded from the ordinance [i.e. youth correctional facilities, rehabilitation facilities for drug and alcohol abuses, and convicted sex offenders].

Bryant Anderson asked Mr. Miller if the City was required to conform with the changes passed by the Legislature.

Wally Miller reported that the Legislature has given the option for local entities to incorporate the new provisions into the development code.

Dennis Tenney stated that the number one responsibility of the City Council is to preserve the health, safety, and tranquility of the neighborhoods in our community. The additions to the code would provide the latitude needed to exclude an inappropriate use.

MOTION: **Dennis Tenney** made the motion to have the appropriate documents bought back amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Section 15-05-04(I), "Residential Facility for Elderly Persons or for Persons with a Disability". The proposed amendment will allow this section of the Development Code to be consistent with the Utah Municipal Code.

SECOND: **Linda Martinez-Saville**

VOTE: **Tenney- Yes, Saville- Yes, Anderson-Yes, Fairbanks-Yes, Winder- Yes, Pott-Absent, Cowdell - Yes**

MOTION PASSED: 6 in favor- 1 absent

COUNCIL ITEMS:

5. **Code Amendment: Amend Institutional Care Parking/Table Parking Requirement Ordinance #05-20 - amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Sections 15-04-04 (B)(6), "Institutional Care Parking", and 15-06-05 (E)(2), "Table of Parking Requirements".**

MOTION: Dennis Tenney made the motion to adopt Ordinance #05-20, amending Title 15, Sandy Land Development Code, Revised Ordinances of Sandy City by amending Section 15-04-04(B)(6), "Institutional Care Parking", and 15-06-05 (E)(2), "Table of Parking Requirements".

SECOND: Bryant Anderson

VOTE: Tenney- Yes, Anderson - Yes, Pott- Absent, Saville-Yes, Fairbanks- Yes, Winder- Yes, Cowdell- Yes

MOTION PASSED: 6 in favor, 1 absent

6. **Code Amendment: Building Heights Commercial/Residential Area Ordinance #05-21 - amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Sections 15-15-02 "Building Height Definition", and 15-04-02(A) "Commercial Building Heights), and 15-03-03 "Residential building Heights.**

MOTION: Bryant Anderson made the motion to adopt Ordinance #05-21, amending Title 15, Sandy Land Development Code, Revised Ordinance of Sandy City by amending Sections 15-15-02 "Building Height Definition", and 15-04-02(A) "Commercial Building Heights), and 15-03-03 "Residential Building Heights.

SECOND: John Winder

VOTE: Anderson-Yes, Winder-Yes, Tenney- Yes, Pott- Absent, Fairbanks- Yes, Saville- Yes, Cowdell- Yes

MOTION PASSED: 6 in favor - 1 absent

****Clarification****

Steve Fairbanks suggested a clarification be made to the number in the bracket to match that of the text in Exhibit "A" from 50 feet to 45 feet.

7. **Modify Fee Schedule/Public Utility Rate for Deployed Military Servicemen Resolution #05-30 C - amending the Sandy City Fee Schedule as it relates to abatement of Public Utility Rates for deployed military servicemen and their families.**

DISCUSSION: Council Office Director Phil Glenn noted that the Legal Department had suggested that a slight revision be made to the resolution for Public Utility Rate for Deployed Military Servicemen. The revision to the resolution would include that: the abatement fee apply to the principal residence in the event such persons own rental properties, and that a person needs to be a resident living in Sandy at the time of activation.

Wally Miller explained that individuals on full-time military duty serving outside the City would qualify for an abatement, not individuals serving part time as national guard or reservists.

Scott Cowdell asked that these changes be included in the motion.

Bryant Anderson asked if the revision would included individuals who are not the head of the household.

Phil Glenn reported that the head of the household would be the principal qualifier. However, if a person

is living with the head of household and is the major contributor to the household income, the household could qualify for the reduced rate.

MOTION: **Steve Fairbanks** made the motion to adopt Resolution #05-30 C - amending the Sandy City Fee Schedule relating to abatement of Public Utility Rates for deployed military servicemen and members of the National Guard or Reservists who have been activated to full-time military duty outside of the city for a period in excess of 30 consecutive days, to include that the abatement fee apply to the principal residence, that the person must be head of household or otherwise responsible for the utility bill, that the person activated must be a resident of the City of Sandy at the time of activation, and that the abatement for Military Deployed residents be reviewed in six [6] months.

SECOND: **Bryant Anderson**

VOTE: **Fairbanks-Yes, Anderson-Yes, Saville-Yes, Winder-Yes, Tenney- Yes, Pott- Absent, Cowdell- Yes**

MOTION PASSED: 6 in favor- 1 absent

8. **Appointment: Board of Adjustment**

Resolution #05-02 M - Providing the Council's advice and consent to the Mayoral appointment of Brian Jones to the Sandy Board of Adjustment.

MOTION: **Bryant Anderson** made the motion to adopt Resolution #05-02 M, providing the Council's advice and consent to the Mayoral appointment of Brian Jones to the Sandy Board of Adjustment.

SECOND: **Dennis Tenney**

VOTE: **Anderson-Yes, Tenney- Yes, Pott- Absent, Winder- Yes, Fairbanks- Yes, Saville- Yes, Cowdell- Yes**

MOTION PASSED: 6 in favor, 1 absent

9. **Code Amendment: Election Rules & Regulations**

Ordinance #05-18 - amending the revised ordinance of Sandy City by amending title 2, Chapter 1, "Election Rules and Regulations"; also providing a saving clause for the ordinance and an effective date.

DISCUSSION: **City Recorder Dianne Aubrey** reported that the revisions made in the Election Rules & Regulations would bring the City's guidelines in line with the State Statute. Ms. Aubrey briefly explained an incident that occurred last election where a candidate failed to turn in a financial disclosure by the deadline date, and the confusion that it caused. She noted that the new change would require that a candidate's financial disclosure be turned in on the due date, if not, their name would be removed from the ballot. The amendment would also include language requiring written notification from the Recorder's Office on the due dates for financial disclosures.

MOTION: **Dennis Tenney** made the motion to adopt Ordinance #05-18, amending the revised ordinance of Sandy City by amending Title 2, Chapter 1, "Election Rules and Regulations".

SECOND: **Linda Martinez-Saville**

VOTE: **Tenney- Yes, Saville-Yes, Pott- Absent, Winder- Yes, Fairbanks- Yes, Anderson-Yes, Cowdell- Yes**

MOTION PASSED: 6 in favor, 1 absent

10. **Discussion: Park Alternatives and Substation Relocation**

This item was discussed earlier in Planning Meeting.

11. **MAYOR'S REPORT:**

- a. No report was given.

12. **CAO'S REPORT:**

- a. No Report was given.

13. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** presented a copy of the monthly calendar noting the Neighborhood Awareness Meeting scheduled for Thursday, March 30th, at Eastmont Middle School.
- b. **Phil Glenn** noted that the 50th Anniversary of the Mount Jordan Middle School is scheduled for Tuesday, April 14th, the same time as the Utah League of Cities and Towns [ULCT] Mid-Year Conference. The Council asked Mr. Glenn to prepare a resolution, on behalf of the Council, to be presented to Mount Jordan Middle School in honor of their 50th Year Anniversary. **Mr. Glenn** noted that he would prepare a resolution for the Council to review.
- c. **Phil Glenn** noted that time was running out for cancellation of registration on the Utah League of Cities Mid-Year Conference in St. George, April 14th -15th, and that a final count was needed from those planning to attend. **Scott Cowdell** and **John Winder** indicated that they would be attending the conference. **Steve Fairbanks** and **Bryant Anderson** indicated they may not be able to attend due to the pending birth of their new grandchildren.
- d. **Phil Glenn** suggested to the Council that they need to come to a consensus on the Council photograph prior to Mr. Pott's departure from the Council. **Chairman Cowdell** indicated that the Council could make their determination during next week's Planning Meeting.

14. **OTHER COUNCIL BUSINESS:**

- a. **Dennis Tenney** noted that based on the motion approved by the Council, the appointment to fill Don Pott's vacancy could take place during the April 5th, Council meeting.

Phil Glenn noted that the announcement for the Council vacancy would close on Friday, April 1st. A copy of the submitted resumes would be included under separate cover in Friday's Council packet. The Council will interview the candidates and make their recommendation the same night.

Bryant Anderson asked Mr. Glenn if he could publicly advise the Council on the names of the applicants.

Mr. Glenn stated that he would disclose the names of the applicants at the conclusion of the meeting.

- b. **John Winder** requested time during an upcoming Planning Meeting to discuss a topic discussed at the National League of Cities conference on Human Resource Benefits.

Mr. Cowdell noted that this item was placed on the follow-up list.

Mr. Glenn informed Mr. Winder that the information was forwarded to the Human Resource Department for review prior to scheduling a discussion.

- c. **John Winder** asked Mr. Miller if he was aware of the change in law pertaining to conditional use

permits. Mr. Winder heard this topic would be addressed at the St. George Mid-Year Conference.

Mr. Miller indicated that he was aware of the potential change in the law.

At approximately 7:45 p.m., Dennis Tenney made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks .

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Scott L. Cowdell
Council Chairman

Pam Lehman
Council Office Executive Secretary

XM032905.MIN